

REMARKS

By this amendment, claim 1 has been amended to change “date” to “data.” Applicant thanks the Examiner for discovering the error.

Claim 1 was previous amended to include the limitations of “content-specific data within messages to implement data routing and message culling” and the ability to “permit or inhibit the distribution of a particular message based upon the content of the message.” Independent claim 11 also now includes the ability to “permit or inhibit the distribution of a particular message based upon the content of the message.”

These claims stand rejected under 35 USC §103(a) over DeSimone et al. in view of Waters et al. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation to combine reference teachings; there must be a reasonable expectation of success, and the references when combined must teach or suggest all the claim limitations. In this case, even if the Examiner’s proposed combination were to be justified, the limitations added to the independent claims would not be taught.

At the bottom of page 3 of the latest OA, the Examiner concedes that “DeSimone did not explicitly state that his system could utilize message culling or traffic adjustment means to reduce communications between client terminals and the cloud.” But this is not the point; rather, the question is whether DeSimone or the DeSimone/Waters combination teaches or suggests true content-based routing, but neither reference does so.

At the top of page 5 of the OA the Examiner argues that DeSimone teaches “to permit or inhibit the distribution of a particular message based upon the content of the messages,” citing DeSimone at 4:59-61 and 5:24-41. However, these passages do not teach what the Examiner says. In fact, DeSimone at 5:24-41 teaches away from Applicant’s invention.

DeSimone at 4:59-61 reads as follows:

“...client terminal 101-5 is a member of IP sub-network 112. IP sub-networks 110, 111 and 112 are interconnected through multicast capable IP routers 113 and 114.”

Clearly this has nothing to do with permitting or inhibiting the distribution of a particular message based upon its content.

DeSimone at 5:24-41 reads as follows:

“Upon receiving the set of sockets assigned to it for the conference, *the client may decide* how it wants to interact in the conference. Specifically, for each media type *the client may* only want to only receive, or to both receive and transmit, or to just transmit. Further, *the client may choose* to receive a particular media type from only select other clients on the conference. When a conference is established and a client joins an established conference, therefore, it receives a list of sockets used for transmitting by the other clients associated with the conference. At any time during the conference, it may then receive packets from the other clients in the conference on the sockets assigned for transmission to those other clients, *or it [the client] may choose not to receive packets* of any or all media types from other clients by either not adding the other client's socket(s) to its Multicast Receive Address List (MRAL), or by deleting the other client's socket from its MRAL if it was previously receiving transmissions from the other client.”

Emphasis was added to show that it is the client and not the message content that dictates what the client wants. Indeed, *this is the way DeSimone operates*. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

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